IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

Bail Appl..No. 19 of 2007()

CR 53/06 of Chirayinkeezhu Excise Range

: PETITIONER/5TH ACCUSED

SUNIL KUMAR.C.P., CHENNATH VENU BHAVAN, ANANDAPPALLY, ADOOR TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.D.KISHORE

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE EXCISE INSPECTOR, CHIRAYINKEEZHU.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.19 of 2007

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Dated this the 8th day of January, 2007.

ORDER

Petitioner, who is the 5th accused in CR No.53 of 2006 of Chirayinkeezhu Excise Range involving the carriage of 310 litres of spirit in a Maruti car on 27.10.2006, seeks anticipatory bail.

2. The petitioner is the registered owner of the Maruti car in question. He claimed to have transferred the vehicle to the first accused in the case on 13.10.2006 as evidenced by Annexure A1 sale agreement. The R.C. Book and other documents pertaining to the car were seized from the Maruti car itself. There is also no other circumstance prima facie indicating that the petitioner had anything to do with the transport of contraband spirit in question. Under these circumstances, I am prima facie of the view that the petitioner can be granted anticipatory bail.

3. Accordingly, a direction is issued to the Investigating Officer concerned to release the petitioner on bail for a period of one month in the event of his arrest in connection with the above case on his executing a bond for Rs. 25,000/- (Rupees twenty five thousand only)

with two solvent sureties each for the like amount to the satisfaction of the said officer and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. Petitioner shall not commit any offence while on bail.

5. Petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,
JUDGE.

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